

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DENISE BOMBA

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF CORRECTIONS, et al., :

Defendants.

3:16-CV-01450
(JUDGE MARIANI)

ORDER

AND NOW, THIS 11th DAY OF JANUARY, 2019, upon *de novo* review of

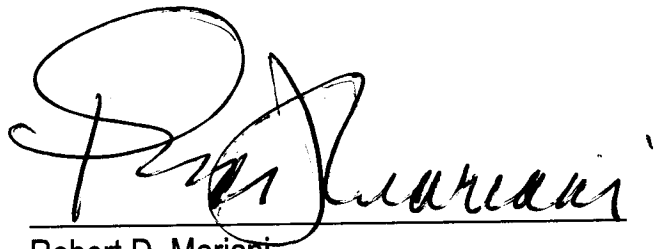
Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 51), for the reasons set forth in the R&R and this Court's accompanying memorandum opinion, **IT IS**

HEREBY ORDERED THAT:

1. Plaintiff's Objections (Doc. 54) are **SUSTAINED IN PART AND OVERRULED IN PART** as fully set forth in this Court's accompanying memorandum opinion.
2. Defendants' Objections (Doc. 56) are **OVERRULED** for the reasons set forth in this Court's accompanying memorandum opinion.
3. The R&R (Doc. 51) is **ADOPTED IN PART AND OVERRULED IN PART**; specifically, Defendants' Motion for Summary Judgment (Doc. 24) is **GRANTED IN PART AND DENIED IN PART** as follows:
 - a. Defendants' Motion for Summary Judgment is **DENIED** with respect to Plaintiff's ADA and RA claims in Counts I and II of the Amended Complaint.

- b. Defendants' Motion for Summary Judgment is **GRANTED** with respect to Plaintiff's RA claim in Count III of the Amended Complaint. Judgment is entered **IN FAVOR OF** Defendants and **AGAINST** Plaintiff on Count III.
 - c. Defendants' Motion for Summary Judgment is **GRANTED** with respect to Plaintiff's gender discrimination claims under Title VII and the equal protection clause in Counts IV and VIII of the Amended Complaint. Judgment is entered **IN FAVOR OF** Defendants and **AGAINST** Plaintiff on Count IV and Count VIII.
 - d. Defendants' Motion for Summary Judgment is **DENIED** with respect to Plaintiff's constitutional deprivation claims in Counts V, VI, and VII.
 - e. Plaintiff's claim for conspiracy in Count IX of the Amended Complaint is **DISMISSED** pursuant to Plaintiff's voluntary withdrawal of this claim.
 - f. Plaintiff's claims against Defendant Gavin in the Amended Complaint are **DISMISSED** pursuant to Plaintiff's voluntary withdrawal of all claims against Defendant Gavin.
 - g. All claims in the Amended Complaint against Defendants Silva and Delrosso in their official and individual capacities are **DISMISSED**. Judgment is entered **IN FAVOR OF** Defendants Silva and Delrosso and **AGAINST** Plaintiff on all counts of the Amended Complaint.
4. A telephone conference to schedule the above-captioned matter for trial on Counts I, II, V, VI, and VII shall be held on **Tuesday, January 15, 2019, at 10:45 a.m.**

Plaintiff's counsel is responsible for arranging the call to (570) 207-5750 and all parties should be ready to proceed before the undersigned is contacted

A handwritten signature in black ink, appearing to read "Robert D. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge